

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation
and AMAZON.COM SERVICES LLC, a
Delaware limited liability company,

Plaintiffs,

v.

JONATHAN G. MORTON, an individual;
ASIN ENTERPRISE MANAGEMENT
CONSULTING LTD. CO., a China corporation;
SHENZHEN LUNA TECHNOLOGY CO.,
LTD., a China corporation; HUANHUAN
LIAO, an individual; CHENLIANG ZHONG,
an individual; GUOLIANG ZHONG, an
individual; and DOES 1-10,

Defendants.

No. 2:24-cv-01471-JLR

**DECLARATION OF SCOTT
COMMERSION IN SUPPORT OF
PLAINTIFFS' *EX PARTE* MOTION
FOR ALTERNATIVE SERVICE**

I, Scott Commerson, declare and state as follows:

1. I am a Partner at the law firm Davis Wright Tremaine LLP, which represents Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (collectively, "Amazon") in the above-titled litigation. I am over 18 years of age. The statements made below are true to the best of my knowledge and belief. I make them in support of Amazon's *Ex Parte* Motion for Alternative Service.

2. Both before and since filing the Complaint (Dkt. No. 1) and the First Amended Complaint (Dkt. No. 5), Amazon has conducted substantial investigation into Defendants

Shenzhen Luna Technology Co., Ltd. (“Shenzhen Luna”), Huanhuan Liao (“Liao”), Chenliang Zhong (“Chen Zhong”), and Guoliang Zhong (“Guo Zhong”) (collectively, the “False Takedown Defendants”). As alleged in the First Amended Complaint, Defendants Shenzhen Luna and Liao used a fraudulently-obtained trademark registration from the United States Patent and Trademark Office (“USPTO”) for the mark “Futaiphy”¹ in order to create an Amazon Brand Registry account,² and to submit fraudulent takedown notices to target and remove content from product listings in the Amazon.com store (“Amazon Store”). As further alleged in the First Amended Complaint, Defendants Chen Zhong and Guo Zhong used a fraudulently-obtained trademark registration from the USPTO for the mark “Tfnyct”³ to create an Amazon Brand Registry account,⁴ and to submit fraudulent takedown notices to target and remove content from product listings in the Amazon Store.

3. Amazon also conducted a substantial investigation into the Lunakj, BDliccs, and Anck selling accounts (collectively, the “Selling Accounts”) that were connected to respective Brand Registry Accounts. These efforts included: (1) working with investigators who researched information and documents that the False Takedown Defendants provided to Amazon when registering their Selling Accounts; (2) researching information about the False Takedown Defendants in public and proprietary databases; and (3) physically inspecting various address locations in China associated with the False Takedown Defendants. This investigation revealed that the False Takedown Defendants sought to evade Amazon’s seller verification processes by providing Amazon with misleading or fraudulent address information in connection with the Selling Accounts.

4. This investigation also revealed that Defendants are likely located in China according to the addresses that the False Takedown Defendants provided to Amazon, the

¹ USPTO Application Serial Number 90604827 (the “Futaiphy Trademark”).

² The Amazon Brand Registry account bearing the account number 1113755, for which the Futaiphy Trademark was added on or about April 2, 2021 (“Futaiphy Brand Registry Account”).

³ USPTO Application Serial Number 90376905 (the “Tfnyct Trademark”).

⁴ The Amazon Brand Registry account bearing the account number 938407, for which the Tfnyct Trademark was added on or about December 22, 2020 (“Tfnyct Brand Registry Account”).

1 USPTO, and/or to a third party payment service provider as discussed below, and also because
2 the majority of the IP addresses that were used to access the Selling Accounts were located in
3 China.

4 **Investigation of Addresses the False Takedown Defendants Provided to Amazon.**

5 5. As set forth in the concurrently-filed Declaration of Robert Garrett (“Garrett
6 Declaration”), the Lunakj Selling Account was registered under the name of Defendant
7 Shenzhen Luna. The operators of the Lunakj Selling Account provided the following physical
8 address to Amazon when they created the Lunakj Selling Account: Room 39G52, Fortune
9 Building, No. 88, Fuhua 3rd Road, Gangxia Community, Futian Street, Futian District,
10 Shenzhen, China. On or about November 5, 2024, Amazon’s investigators conducted a site visit
11 to this address, and were not able to find any evidence that Defendant Shenzhen Luna currently
12 operated there.

13 6. As further set forth in the Garrett Declaration, the BDliccs Selling Account was
14 registered under the name of Defendant Chen Zhong. The operators of the BDliccs Selling
15 Account provided the following physical address to Amazon when they created the Lunakj
16 Selling Account: Room 1610-1611, Building 3, Vanke City Light Phase 3, No. 381 Daxing
17 Street, Fengze District, Quanzhou City, China. However, on or about November 5, 2024,
18 Amazon’s investigators conducted a site visit and did not find any evidence that Defendant Chen
19 Zhong currently resided at this address.

20 7. As further set forth in the Garrett Declaration, the Anck Selling Account was the
21 beneficiary of the Tfnyc Brand Registry Account’s fraudulent takedown notices, as the Anck
22 Selling Account benefited from the Tfnyc Brand Registry Account’s fraudulent takedown
23 notices because it sold the same products as the sellers targeted by those notices. The operators
24 of the Anck Selling Account provided the following physical address to Amazon when they
25 created the Anck Selling Account: Eng. Room 1010, Building 8, Donghai Taihe Plaza, No. 1466
26 Daxing Street, Fashi Community, Donghai Street, Quanzhou Fujian, China 362000. As discussed
27 below, Amazon’s investigation revealed that Guo Zhong controlled this Selling Account.

1 However, on or about on or about November 5, 2024, Amazon's investigators conducted a site
2 visit and did not find any evidence that Defendant Guo Zhong currently resided at this address.

3 **Investigation of Addresses the False Takedown Defendants Provided to PingPong.**

4 8. In a further effort to identify and locate the False Takedown Defendants, Amazon
5 obtained information from third party payment service provider PingPong Global Solutions, Inc.
6 ("PingPong") related to virtual bank accounts that the False Takedown Defendants provided to
7 Amazon when registering their Selling Accounts in order to receive and transfer proceeds from
8 their sale of products in the Amazon Store. PingPong's information revealed that Defendant Liao
9 registered a PingPong bank account that was linked to the Lunakj Selling Account, and that Guo
10 Zhong registered a PingPong bank account that was linked to the BDliccs Selling Account and
11 the Anck Selling Account. Based on Defendants Liao's and Guo Zhong's control over their
12 respective financial accounts that were registered to receive disbursements from the Lunakj, and
13 BDliccs and Anck Selling Accounts, respectively, it is reasonable to infer that they controlled
14 their respective Selling Accounts, as well as the Brand Registry Account linked to each Selling
15 Account.

16 9. PingPong's information disclosed a potential physical address for Defendant
17 Liao: Room 101, Building 8, Coconut Grove Garden, Sanzheng Banshan Haoyuan, No. 12
18 Yingbin Avenue, Tangxia Town, Dongguan City, China. However, on or about November 5,
19 2024, Amazon's investigators conducted a site visit and did not find any evidence that Defendant
20 Liao currently resided at this address. Amazon's investigators further spoke with Defendant Liao
21 via the phone using the telephone number she provided to PingPong. Defendant Liao stated that
22 she did not live at this address, but did not provide the investigator with her current address.

23 10. PingPong's information disclosed a potential physical address for Defendant Guo
24 Zhong: Room 816-817, Building 9, Donghai Taihe Plaza, Fengze District, Quanzhou City,
25 Fujian Province, China. However, on or about November 5, 2024, Amazon's investigators
26
27

1 conducted a site visit at this address and did not find any evidence that Defendant Guo Zhong
2 currently resided there.⁵

3 **Investigation of the Addresses the False Takedown Defendants Provided to the**
4 **USPTO.**

5 11. Amazon also analyzed the USPTO's public records for the Futaiphy and Tfnyc
6 Trademarks in an effort to uncover additional addresses associated with the False Takedown
7 Defendants.⁶ Specifically, according to the USPTO's public records, Defendant Shenzhen Luna
8 filed an application for the Futaiphy mark on March 26, 2021. The USPTO's records for the
9 Futaiphy Trademark disclosed a potential physical address in China for Defendant Shenzhen
10 Luna: Rm.328-A62,East Block,F3,206#,Tairan Technology Park, Shatou St., Futian Dist.
11 Shenzhen China 518048. However, on or about November 5, 2024, Amazon's investigators
12 conducted a site visit there, and did not find any evidence that Defendant Shenzhen Luna
13 currently operated at this address, as the building was barricaded, and was set to be demolished.

14 12. Defendant Chen Zhong filed an application for the Tfnyc mark on December 11,
15 2020. The USPTO's records for the Tfnyc Trademark disclosed a potential physical address in
16 China for Defendant Chen Zhong: No.9, Zhusiping Road, Yangmeixi Village, Ancient City,
17 Changting County, Longyan, China 366300. However, on or about November 5, 2024,
18 Amazon's investigators conducted a site visit and were unable to locate this address, as none of
19 the buildings in the village contain any house numbers, and the streets did not have any signs.

20 13. In summary, we have conducted a thorough investigation through multiple
21 avenues to determine the False Takedown Defendants' current whereabouts. While we believe
22 they are located in China, to date we have not been able to locate current valid physical addresses
23 for them. We therefore believe that service via email is the best means of effecting service on the
24

25 ⁵ PingPong's information did not disclose an email address for either Defendant Liao or Guo Zhong.

26 ⁶ The email address for correspondence listed in the USPTO's records for both the Futaiphy and Tfnyc Trademarks
27 is mengsustone@gmail.com. On information and belief, this is an email address used by Defendant Asin Enterprise
Management Consulting Ltd. Co. in connection with the services they provided to the False Takedown Defendants
when assisting with the registration of these trademarks.

False Takedown Defendants. Indeed, the False Takedown Defendants' email addresses are the only contact information that our investigation has confirmed as valid.

14. We believe the False Takedown Defendants' email addresses, listed below, are active. As explained in the Garrett Declaration, these Defendants registered emails to access Amazon's Seller Central and to do business in the Amazon Store. On January 7, 2025, we directed that test emails be sent to the False Takedown Defendants, via each of the email addresses listed in the Garrett Declaration. These test emails apprised the False Takedown Defendants of the lawsuit and contained courtesy copies of the First Amended Complaint, the Civil Cover Sheet, and the Summonses. We did not receive any error notices, bounce back messages, or other indications that the emails failed to deliver for at least one email address associated with each False Takedown Defendant. Specifically, we received no error notices, bounce back messages, or other indications that the test emails failed to deliver to the following email addresses: Defendants Shenzhen Luna's and Liao's registered email address lunakj01041@163.com; Defendant Chen Zhong's registered email address bdlicss668@outlook.com; and Defendant Guo Zhong's registered email addresses bdlicss668@outlook.com and zhyue11@outlook.com.

15. Subject to the Court's permission, Amazon will serve the False Takedown Defendants using an online service for service of process, RPost (www.rpost.com), that provides proof of authorship, content, delivery, and receipt to the following email addresses controlled by the False Takedown Defendants:

- Defendants Shenzhen Luna and Huanhuan Liao: lunakj01041@163.com;
- Defendant Chen Zhong: bdlicss668@outlook.com; and
- Defendant Guo Zhong: bdlicss668@outlook.com and zhyue11@outlook.com.

16. Amazon has located physical addresses for Defendants Jonathan Morton and Asin Enterprise Management Consulting Ltd. Co. (in Japan and China, respectively), and it is in the process of effecting service on those Defendants via Japan and China's respective Central

1 Authorities pursuant to the Hague Convention on the Service Abroad of Judicial and Extra
2 Judicial Documents in Civil and Commercial Matters.

3
4 I declare under penalty of perjury that the foregoing is true and correct to the best of my
5 knowledge.

6
7 EXECUTED this 27th day of January, 2025, at Los Angeles, California.

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9 _____
Scott Commerson